

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

SCOTT TURNAGE, CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON,
ISSACCA POWELL, KEITH BURGESS, and
TRAVIS BOYD on behalf of themselves and all
similarly situated persons,

Plaintiffs,

v.

BILL OLDHAM, in his individual capacity and in
his official capacity as the Sheriff of Shelby County,
Tennessee; ROBERT MOORE, in his individual
capacity and in his official capacity as the Jail
Director of Shelby County, Tennessee; CHARLENE
MCGHEE, in her individual capacity and in her
official capacity as the Assistant Chief of Jail
Security of Shelby County, Tennessee; DEBRA
HAMMONS, in her individual capacity and in her
official capacity as the Assistant Chief of Jail
Programs of Shelby County, Tennessee; SHELBY
COUNTY, TENNESSEE, a Tennessee municipality;
and TYLER TECHNOLOGIES, INC., a foreign
corporation,

Defendants.

Civil Action No. 2:16-cv-02907-
SHM-tmp

**TYLER TECHNOLOGIES, INC.’S MOTION FOR AN EXPEDITED STATUS
CONFERENCE**

Defendant Tyler Technologies, Inc. (“Tyler”) submits this Motion For An Expedited Status Conference in two pending matters before this court—Cause No. 2:16-cv-02907-SHM-tmp and Cause No. 2:17-cv-02795-SMH-tmp—both of which assert identical class action claims against Tyler and other Defendants:

1. On November 17, 2016, Plaintiff Issacca Powell, individually and on behalf of similarly situated persons, filed his Complaint for Civil Rights Violations against Defendant Bill Oldham, individually and in his official capacity as Sheriff of Shelby County, which was assigned to this Court as Civil Action No. 2:16-cv-02907 (“Powell Class Action”).

2. On January 9, 2017, Plaintiffs Cortez D. Brown, Deontae Tate, and Jeremy S. Melton, individually and on behalf of similarly situated persons, filed their Class Action Complaint for Violations of the Civil Rights Act of 1871, 42 U.S.C. § 1983, and Tennessee Common Law against Tyler, Shelby County, and several individual Defendants, including Sheriff Oldham (the “Brown Class Action”). The Brown Class Action was originally assigned to U.S. District Judge John T. Fowlkes, Jr. as Civil Action No. 2:17-cv-02015. On February 22, 2017, Judge Fowlkes transferred the Brown Class Action to this Court, and, on March 13, 2107, this Court entered an order consolidating the Powell Class Action and the Brown Class Action at Cause No. 2:16-cv-02907-SHM-tmp (the “Consolidated Case”).

3. On October 31, 2017, Melvin Ingram and twenty-nine additional plaintiffs filed a Class Action Complaint for Violations of the Civil Rights Act of 1871, 42 U.S.C. § 1983 and Tennessee Common Law against Tyler, Shelby County, and several individual Defendants, including Sheriff Oldham (the “Ingram Class Action”). The Ingram Class Action is virtually identical in words and substance to the Second Amended Class Action Complaint on file in the Consolidated Case and asserts the same claims against the same Defendants, including Tyler, that have already been named in the Consolidated Case. The Ingram Class Action was assigned to this Court and given Cause No. 2:17-cv-02795.

4. On November 21, 2017, in response to the filing of the Ingram Class Action, the Plaintiffs in the Consolidated Case filed a Rule 23(g)(3) Motion for Appointment of Interim Class

Counsel and to Dismiss Without Prejudice or, Alternatively, to Stay the Recently Filed Ingram Class Action Complaint (“Plaintiffs’ Motion”; Dkt. No. 80). Plaintiffs’ Motion requests that the Ingram Class Action be dismissed pursuant to the “first-to-file rule” in favor of the already-pending Consolidated Case. Dkt. No. 80 at p. 12. Alternatively, Plaintiffs’ Motion requests that the Ingram Class Action be stayed pending the determination of class certification in the Consolidated Case. *Id.* at p. 14.

5. Tyler was served with summons in the Ingram Class Action on November 16, 2017, which would have originally required Tyler to respond to the Complaint by no later than December 7, 2017. Plaintiffs in the Ingram Class Action have agreed to an extension of Tyler’s deadline to respond until Monday, January 8, 2017; a motion for an extension in the Ingram Class Action has been filed. This request for a Status Conference is being made without waiver of any of Tyler’s defenses, arguments or claims in response to the Ingram Class Action.

6. Because there are two parallel class actions asserting the same allegations/claims against the same Defendants, guidance from the Court concerning, among other things, how these cases will proceed, would be beneficial if not essential. Tyler believes that the existence of two identical class actions is an unnecessary and inappropriate burden on Defendants as well as the Court. This cannot be a cost-effective or an efficient manner to adjudicate this dispute. To prevent unnecessary delay and burden in connection with these duplicative lawsuits, Tyler requests that the Court set a status conference for all parties in the Consolidated Case and in the Ingram Class Action at the Court’s earliest availability. The need for a status conference in the near future is due to the impending deadlines to respond to the Ingram Class Action complaint.

WHEREFORE, PREMISES CONSIDERED, Tyler respectfully requests that this Court set an expedited status conference for all parties in the Consolidated Case and the

Ingram Class Action at the Court's earliest availability and issue any other orders to avoid unnecessary cost or delay in this matter.

Dated: December 1, 2017

Respectfully submitted,

s/ Bradley E. Trammell
Bradley E. Trammell (# 13980)
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**COUNSEL FOR TYLER
TECHNOLOGIES, INC.**

CERTIFICATE OF CONSULTATION

On November 29, 2017, the undersigned conferred with all counsel of record concerning the matters set forth in this Motion. Plaintiffs in the Consolidated Class and the other Defendants consent to the request for an expedited status conference. Plaintiffs in the Ingram Class Action do not oppose the request for status conference, but believe one should not occur until after they have filed a response to Plaintiffs' Motion, which is not currently due until the week of December 18, 2017.

s/ Bradley E. Trammell

CERTIFICATE OF SERVICE

The foregoing document was filed via the Court's CM/ECF system, automatically effecting service on counsel of record for all other parties in both the Ingram Class Action and the Consolidated Case, on this 1st day of December, 2017.

s/ Bradley E. Trammell